

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5144 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE R.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

1 to 5 :No

RAVUBHA J GOHIL

Versus

GUJARAT WATER SUPPLY & SEWARAGE BOARD

Appearance:

MR HJ NANAVATI for Petitioner

MR DG CHAUHAN for Respondent No. 1

NOTICE SERVED for Respondent No. 2

CORAM : MR.JUSTICE R.A.MEHTA

Date of decision: 12/03/98

ORAL JUDGEMENT

1. The petitioner has raised a dispute regarding his birthdate. According to the service record, the birthdate is 1.10.1926 according to which he has been superannuated. However, the petitioner contends that his correct birthdate is 8.12.1928 and on that basis, he wants a declaration of continuing in service and the

consequential benefits.

2. The very fact that the dispute has been raised at the fag end of service and at the time of superannuation itself prima facie shows that the dispute is not bonafide. In any case, there is gross delay in raising such dispute for correcting the birthdate and, therefore this petition cannot be entertained and deserves to be dismissed.

3. In para 7 of the affidavit in reply, it is submitted that the false and concocted certificate purported to be issued by the Headmaster, Primary School is submitted by the petitioner.

Even as late as on 28.2.1980, the petitioner had filled in an option form wherein also, he had mentioned his birthdate as 1.10.1926.

4. In view of all these facts, this petition deserves to be dismissed and is dismissed with costs. Rule discharged.
